APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,142	05/14/2001	Adrian David Lincoln	211202	1124

23460   7590   08/26/2004

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EXAMINER
CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
2143	5

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/855,142	LINCOLN, ADRIAN
	Examiner	Art Unit
	Azizul Choudhury	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2001*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *14 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *1/30/02*.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Boucher

et al (US Pat No: US006226680B1), hereafter referred to as Boucher.

1.   With regards to claim 1, Boucher teaches a data package for holding an

information request and corresponding response data, comprising: a plurality of layers,

the layers including a routing layer and a client request layer respectively containing

routing information and an information request, the package being transmittable over a

distributed network including a plurality of processing nodes and each layer being

interpretable by only a subset of the processing nodes (The claimed traits are available

in data transferring networks. The removal and addition of header information (layers)

from packets (package) of information occur in networks, such as Boucher's (column 2,

lines 35-54, Boucher). In addition, data packets must contain the claimed routing

information. When data packets are routed from one node to another, the nodes read

specific header information (such as the routing information) to properly handle the data

packet).

2.   With regards to claim 2, Boucher teaches a package wherein the layers further

include at least one or more layer selected from a group containing client device

information, user identification information, and application identification information

(Data packets have headers that contain specific information such as routing

information and device and client information. This information is necessary in data

networks, by the devices (nodes) in the network, to handle the data packets properly.

Boucher's design uses such a network with data packets).

3.   With regards to claim 3, Boucher teaches a distributed network including a

plurality of processing nodes each operative to interpret at least a respective one of the

layers of the package and to add and/or remove layers before passing the package to

another one of the nodes (The removal and addition of header information (layers) from

packets (package) of information occur in networks, such as Boucher's (column 2, lines

35-54, Boucher)).

4.   With regards to claim 4, Boucher teaches an apparatus for responding to an

information request, comprising means for providing an information request in a client

device, wrapping means for wrapping the information request in one or more layers to

produce a request package, transmitting means for transmitting the request package

over a distributed network comprising a plurality of processing nodes, means for adding

and/or removing layers from the package at one or more of the node, processing means

for processing the package at its final destination, and means for generating a response

package for transmission back to the client device via the distributed network (The

claimed traits are available in data transferring networks. Boucher's design uses a

network with networked devices. Hence means are present within Boucher's design to

handle the data packets in the claimed manner, such as making and replying to

requests (column 12, lines 31-50, Boucher). The removal and addition of header

information (layers) from packets (package) of information occur in networks, such as

Boucher's (column 2, lines 35-54, Boucher). In addition, data packets must contain the

claimed routing information. When data packets are routed from one node to another,

the nodes read specific header information (such as the routing information) to properly

handle the data packet).

5.   With regards to claim 5, Boucher teaches an apparatus wherein the means for

generating the response package generates it to include said information request (The

data packets of Boucher's design are able to hold information just as all data packets.

No limitation of form of information is made in the design, making all information formats

are permissible, including the claimed format).

6.   With regards to claim 6, Boucher teaches a method of responding to an

information request, comprising the steps of providing an information request in a client

device, wrapping the information request in one or more layers to produce a request

package, transmitting the request package over a distributed network comprising a

plurality of processing nodes, adding and/or removing layers to or from the package at one or more of the nodes, processing the package at its final destination, and generating a response package for transmission back to the client device via the distributed network (The claimed traits are available in data transferring networks. Boucher's design uses a network with networked devices. Hence means are present within Boucher's design to handle the data packets in the claimed manner, such as making and replying to requests (column 12, lines 31-50, Boucher). The removal and addition of header information (layers) from packets (package) of information occur in networks, such as Boucher's (column 2, lines 35-54, Boucher). In addition, data packets must contain the claimed routing information. When data packets are routed from one node to another, the nodes read specific header information (such as the routing information) to properly handle the data packet).

Remarks

After careful review of the application, the examiner failed to note any truly unique traits within the design claimed. The claims provided are seen as being general and would benefit from the inclusion of more detailed specifications. As they currently stand, most networks that use data packets may be used as prior art against the claims.

Should the applicants have any further details regarding their design that would present their design as being truly unique over the prior art provided by the examiner, they are encouraged to amend the specifications and claims to reflect such changes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is 703-305-7209. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

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